

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

THE ELLIS COUNTY ROYALTY COMPANY,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No.
vs.	)	
	)	
	)	
ENDEAVOR ENERGY RESOURCES, L.P.,	)	Removed From:
	)	The District Court for Ellis County
	)	State of Oklahoma
Defendant.	)	Case No. CJ-2008-15

**NOTICE OF REMOVAL**

The Defendant, Endeavor Energy Resources, L.P., hereby files this Notice of Removal of the above-described action (the “State Court Action”) to the United States District Court for the Western District of Oklahoma from the District Court for Ellis County, State of Oklahoma, where the State Court Action is now pending, all as provided in 28 U.S.C. § 1441 *et seq.*, and states:

1. Parties/Diversity of Citizenship. The Ellis County Royalty Company, Plaintiff in the State Court Action, was at the time of the commencement thereof and is now an Oklahoma corporation with its principal place of business in Ellis County, Oklahoma. Endeavor Energy Resources, L.P., Defendant in the State Court Action, was at the time of the commencement thereof and is now a Texas Limited partnership with its principal place of business in Midland, Texas, the general and limited partners of which are also citizens of the State of Texas. There is complete diversity of the parties.

2. State Court Action. The Plaintiff commenced the State Court Action on August 11, 2008, in the District Court for Ellis County, Oklahoma, seeking in that civil action an accounting and recovery of the principal sum of \$1,469,751.23, the cancellation of an oil and gas lease covering

lands in Ellis County, Oklahoma, damages for conversion, and an order of the court quieting Plaintiff's title thereto as a consequence of the lease cancellation.

3. Amount in Controversy. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.

4. Timeliness of Removal. Defendant was served with process and a copy of the Petition on August 14, 2008. The Petition set forth claims which serve as the basis for this removal.

5. Pleadings. Copies of the process, pleadings and docket sheet are attached hereto as Exhibit "A" and filed herewith.

6. Notice to Parties and Clerk. The Defendant is concurrently filing with the Clerk of the District Court for Ellis County, Oklahoma, written notice of the filing of this Notice, and will provide the Plaintiff with a copy of the same.

7. Basis for Removal. The Defendant is entitled to remove this action because this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (diversity of citizenship), and this is a civil action brought in a state court within the Western District of Oklahoma.

WHEREFORE, the Defendant, Endeavor Energy Resources, L.P., hereby removes the State Court Action from the District Court for Ellis County, State of Oklahoma, to this United States District Court for the Western District of Oklahoma.

Respectfully submitted this 12<sup>th</sup> day of September, 2008.

PRAY, WALKER, JACKMAN,  
WILLIAMSON & MARLAR

/s/ Robert J. Winter

Robert J. Winter, OBA # 16754

100 W. 5<sup>th</sup> St. – Ste. 900

Tulsa, Oklahoma 74103

Tel: (918) 581-5500

Fax: (918) 581-5599

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of September, 2008, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

and a copy of this Notice was served upon the following by regular mail:

Clerk of the District Court for  
Ellis County, State of Oklahoma  
100 S. Washington Street  
P. O. Box 217  
Arnett, OK 73832-0217

Howard R. Haralson  
P.O. Box 23013  
Oklahoma City, Oklahoma 73123-2013

/s/ Robert J. Winter

Robert J. Winter